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SUBJECT: JIU DISARMAMENT IN UPPER NILE STATE

REF: KHARTOUM 250

1.(SBU) SUMMARY: A curfew remains in effect in Malakal following forty-eight hours of sporadic looting in and around the Upper Nile state capital. The death toll from the February 24 violence officially stands at 31, and is expected to rise. GOSS Vice President Riek Machar and GNU State Minister for Humanitarian Affairs Ahmed Haroun finalized an agreement on February 26 barring JIUs from being armed while not on active duty, and initiating the "immediate" transfer of SAF JIU elements formerly aligned with SAF MG Gabriel Tanginiya and former SSDF Commander Thomas Mabior. SPLA shared with UNMIS copies of documents indicating that NISS orchestrated Tanginiya's return to the South, reinforcing GOSS claims of NCP subterfuge. Despite Machar's efforts in Malakal, GOSS officials in Juba remain skeptical of the agreement's staying power. SPLA Affairs Minister Nhial Deng Nhial notes the likelihood of a SAF-generated challenge at the March Joint Defense Board, and stressed the communication between Juba and Machar has been inconsistent since the latter's arrival in Upper Nile on February 24. END SUMMARY.

MALAKAL VIOLENCE: ECHOES OF 2006, AND ABYEI

12. (SBU) Malakal's stadium lights were left on throughout the night of February 26 in an attempt to reassure the civilian population of the violence-scarred town. The new stadium - and its lights - were a "peace dividend" erected in advance of the Comprehensive Peace Agreement's (CPA) fourth anniversary this year. Its illumination provided a sadly ironic backdrop to Juba's allegations that Khartoum is actively attempting to undermine the peace. SPLA officers showed senior UNMIS officials on February 26 documents that indicate the National Intelligence Security Service (NISS) ordered Tanginiya to return to Malakal. A widely-circulated February 27 SPLM press release describing the violence stated that "the SAF tore down one the largest billboards bearing Kiir's image." UNMIS/Juba Civil Affairs Deputy Chief Diane de Guzman told ConGen PolOff that targeted acts of vandalism against SPLM symbols, the party's Malakal office, and other structures in town appeared "eerily reminiscent" of the destruction of the SPLM's offices in Abyei last May.

13. (SBU) While UNMIS terms the situation in Malakal stable as of February 27, they caution that it is far from normal. T-55 tanks under command of SAF JIU elements had plowed into a series of the town's new electrical poles, destroying a swath of newly-erected street lights and impairing the town's two-month old electrical grid, simultaneously disrupting the town's ability to directly supply households with water and electricity. (NOTE: Until February 24, Malakal was only the second town in all of Southern Sudan to have electricity. END NOTE.) Looting continued for forty-eight hours once the town was plunged into darkness. SPLA officials acknowledge

both JIU and "confirmed SPLA" were involved in criminal acts.

HAROUN/MACHAR AGREEMENT TARGETS OAG JIU ELEMENTS

¶4. (SBU) On the evening of February 26, GOSS Vice President Riek Machar and GNU State Minister for Humanitarian Affairs Ahmed Haroun agreed on a series of resolutions to restore civilian confidence and restore the peace. The agreement includes three provisions directly addressing past SPLA allegations that the SAF JIU element violates the CPA's Security Arrangements by not being "true" SAF, but remnants of Khartoum-aligned militias left in the South following the SAF's 2007 redeployment. According to UNMIS officials who have reviewed the document, to include Ceasefire Joint Military Commission Head BG Mac Paul, one resolution specifies that JIU is to be disarmed throughout Upper Nile State, with arms stored in a yet-to-be established or identified armory, and issued to soldiers only when they report for duty. Additionally, all SAF JIU soldiers with ties to either former SSDF Commander Thomas Mabior or Tanginiya are to be transferred to Joint Integrated Units outside of the Upper Nile region and excluding Abyei.

¶5. (SBU) An investigation also will be conducted to identify and expel from the JIU SAF soldiers implicated in this week's violence and that of 2006. UNMIS/Juba Deputy Civil Affairs Chief Diane De Guzman noted to ConGen PolOff that there were parallel, ongoing discussions about the need to carry out forced civilian disarmament in Malakal's peri-urban areas and in the vicinity of Fangak in order to ensure that Tanginiya's relatives' weapons caches were similarly confiscated. Further to reftel reports of SAF JIU splintering amidst the mutiny of "Tanginiya's men," SAF JIU elements formerly

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under the control of Gordon Kong Chuol will be permitted to remain at the Malakal JIU. (NOTE: Kong was actively involved in the 2006 Malakal violence that left more than 150 dead and remains on Khartoum's payroll to this day. END NOTE.) Minister for SPLA Affairs Nhial Deng Nhial told ConGen PolOff on February 27 that while the resolutions were positive, he is less optimistic about their viability. "Neither the Vice President nor Haroun have the ability to determine courses of action affecting JIUs - that is a duty of the Joint Defense Board. While SPLA would support such decisions remaining in place, I'm dubious of our partner's commitment," he said.

¶6. (SBU) According to de Guzman, a livid Upper Nile Governor Gatluak Deng (NCP) dressed-down SAF JIU officers attending UN-facilitated crisis management meetings, and ordered the immediate confiscation of all SAF JIU property outside of the SAF's barracks along the Nile. Gatluak apparently justified the order as a means to prevent SAF "from recklessly using my town's infrastructure to wage war against peace-loving citizens in the South." (NOTE: The SAF JIU "barracks" in Malakal, in contrast to its other holdings, consist of little more than four small dilapidated buildings and a series of tents. END NOTE.)

MISCOMMUNICATION CONTINUES

¶7. (SBU) GNU State Minister for Energy and Mining Angelina Teny Machar told AEC Ambassador Plumbly on February 26 that SPLA (likely from the First Division, in Renk) still remained in control of the airport at Paloich following the February 24 murder of a petroleum policeman by SPLA JIU forces traveling towards Malakal. UNMIS reports that the JIU soldiers had ordered the petroleum police off the road. During the argument that followed due to the police officers' refusal to obey the JIU soldiers, the latter shot three officers, wounding two and killing one. The surviving police transported the body of those killed to the WNPOC mortuary at Paloich and arranged for the medevac of the two wounded to Kost. According to UNMIS, in another incident SPLA soldiers not affiliated with the JIU commandeered a vehicle being operated by SAF in Malakal town on February 25, killing all four occupants.

DEATH TOLL

18. (SBU) The death toll continues to rise, with an official count being released by SPLA and state government officials February 26 and CJMC officials in the process of verifying SAF totals. Officially, the death toll stands at 31, with four military fatalities. However, bodies were still be collected from the streets of Malakal as of late February 26, according to Ambassador Riek Puok Riek, the Governor's Executive Director. Malakal Teaching Hospital reports 37 civilian and 3 military casualties, and 22 dead, including four SAF officers. SPLA reports a different figure: 14 of its soldiers were killed, and 40 wounded, and it maintains 14 SAF were killed, 24 wounded SAF were medevaced from Malakal, and six remain at Malakal Teaching Hospital.

DISTRUST OF MACHAR CONTINUES

. (SBU) Machar's efforts have not yet changed opinions in Juba, where news of his resolutions with Haroun was first conveyed to senior GOSS officials via discussions with ConGen Juba and UNMIS officials. SPLM Deputy Secretary General Anne Itto echoed the sentiments of others, to include GOSS President Kiir, in a February 26 meeting with ConGen PolOff, that Machar is grandstanding in advance of a campaign for the GOSS Presidency. Itto allowed that a re-evaluation fMachar's standing was permitted under the SPLM Constitution, and there has been talk of doing so on the margins of the past two Political Bureau meetings. "But for now we are concentrating on making sure the NCP does not use the events of Malakal to further distort and detract from the agenda of CPA implementation - although Machar's mistakes are mounting," she said. Queried as to his thoughts on the Vice President's presence in Malakal, SPLA Affairs Minister Nhial Deng let out a lengthy sigh. "I am hoping that we are not looking at a rebirth of the Nasir faction," he said, in reference to the Nuer-dominated, Machar-led faction that split from the SPLA in 1991.

COMMENT

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10. (SBU) The Haroun/Machar agreement cuts the cancer of SAF-aligned militias out of Upper Nile's already beleaguered JIUs. Had SAF been pressed to abide by CPA provisions on JIU formation, history has now demonstrated that Sudan might have avoided the violence in Malakal in 2009 and in Abyei in 2008. Instead, these outbursts of violence once again demonstrate the hair-trigger danger that a seemingly minor incident poses against the backdrop of disingenuous CPA implementation, and can erupt into violent conflict.

11. (SBU) It remains to be seen if Machar can weather his return to Juba. Practical impediments (lack of an armory and the March Joint Defense Board meeting) exist that could derail the implementation of the February 26 resolutions. Machar has, in the past, been accused of being overly optimistic in negotiations (such as the LRA peace talks and the most recent rounds of the joint SPLM/NCP Executive Committee talks in Khartoum.) That he has been less-than communicative with key GOSS counterparts as events in Malakal have unfolded remains a point of concern, and is unlikely to improve Kiir's opinion of his deputy.
FERNANDEZ